IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 4427 of 2005

Between:

Vardana Prameelamma, W/o. Yesuratnam,
R/o. S.C. Colony, Kothamadugula, Kothapalli Mandal, Kurnool District.

..... PETITIONER

AND

1 Station House Officer, Kothapalli P.S. Kurnool District.
2 Sub-Divisional Police Officer, Atmakur, Kurnool District.
3 Mandal Revenue Officer, Kothapalli Mandal, Kurnool District.
4 District Collector, Kurnool.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of writ of Mandamus declaring that the action of the Second respondent in not taking up investigation of Cr. NO. 45/2004, Kothapalli, P.S. and instead directing the first respondent to take it up in is an unlawful act, and further directing the second respondent to take up the investigation and proceed in accordance with the law, and pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case

Counsel for the Petitioner: MR.K.BALAGOPAL

Counsel for the Respondent Nos. 1 & 2: GP FOR HOME

Counsel for the Respondent Nos. 3 & 4: GP FOR REVENUE

The Court at the stage of admission made the following :

ORAL ORDER:

Heard both sides. Perused the material placed before me.

It is the grievance of the petitioner that though she had lodged a complaint with the first respondent, against the third parties, for the offences punishable under Sections 323 and 324 of I.P.C and under Section 3(1)(X) of the S.C. & S.T (Prevention of Atrocities) Act (for brevity 'The Act'), so far, no investigation has been conducted.

Sri V. Balagopal, Learned Counsel for the petitioner, submits that as per rule 7 of the Rules framed under the Act, an officer, not below the rank of the Deputy Superintendent of Police, is competent to investigate into the offence, committed under the said Act. He further submits that second respondent who is the competent authority under the Act has delegated his powers to the first respondent, who is not at all competent to investigate into the matter as per the rules framed under the Act.

Having regard to the facts and circumstances and nature of the case, and also in view of the submissions made by the learned counsel for the petitioner, a direction needs to be issued to the second respondent, who alone is the competent authority, to investigate into the complaint made by the petitioner, which was registered as a case

in Crime No. 45 of 2004 on the file of the P.S. Kothapalli for the alleged offences and to proceed in accordance with law and in tune with the outcome of the investigation.

With the above directions, the writ petition is disposed of at the admission stage. No costs.

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kvsn 14-03-2005

To

1 Station House Officer, Kothapalli P.S. Kurnool District.

2 Sub-Divisional Police Officer, Atmakur, Kurnool District.

3 Mandal Revenue Officer, Kothapalli Mandal, Kurnool District.

4 District Collector, Kurnool.

5 Two CCs to the GP for Home, High Court buildings, Hyderabad.

6 Two CCs to the GP for Revenue, High Court buildings, Hyderabad.

7 2 CD copies